

-- REMARKS --

THE SPECIFICATION, ABSTRACT, AND DRAWINGS HAVE BEEN AMENDED TO MEET THE OBJECTIONS AND REJECTIONS IN THE OFFICE ACTION, WITHOUT ADDITION OF NEW MATTER. THE DRAWING CHANGES COMPRISE PROVISION OF REFERENCE NUMERALS WHICH ARE FULLY DISCUSSED IN THE WITHIN AMENDED SPECIFICATION. THE CLAIMS HAVE BEEN AMENDED TO REMOVE INFORMALITIES AND TO POINT OUT MORE PARTICULARLY APPLICANT'S INVENTION. IT IS BELIEVED THAT THE APPLICATION AS AMENDED MEETS ALL REQUIREMENTS AS TO FORM AND SUBSTANCE, THAT THE AMENDED CLAIMS PATENTABLY DISTINGUISH OVER THE REFERENCES OF RECORD, AND THAT ALL OBJECTIONS AND REJECTIONS SHOULD BE RECONSIDERED AND WITHDRAWN, AND THE APPLICATION ALLOWED.

THE REJECTION OF CLAIMS 1-7 UNDER 35 USC 112, FIRST PARAGRAPH, AS ALLEGEDLY FAILING TO COMPLY WITH THE ENABLEMENT REQUIREMENT, IS RESPECTFULLY TRAVERSED. ALL SUBJECT MATTER IN AMENDED CLAIMS 1-5, AND 7 IS SUCH AS TO ENABLE ONE SKILLED IN THE ART TO WHICH THE INVENTION PERTAINS, OR WITH WHICH IT IS NEARLY CONNECTED, TO MAKE AND/OR USE THE INVENTION. ALL TERMINOLOGY IN THE SPECIFICATION AND CLAIMS IS ENTIRELY CONVENTIONAL, AS, FOR EXAMPLE, "TURBINE" "GENERATOR," "HEAT-EXCHANGER," AND THE LIKE. IT IS, IN FACT, DIFFICULT TO ENVISION A LEXICON MORE CONVENTIONAL AMONG ENGINEERS OF ANY AND ALL TYPES THAN THAT WHICH IS EMPLOYED IN THE INSTANT APPLICATION. FURTHER, THE ELEMENTS SUCH AS "FAN" "HEAT-EXCHANGER CHAMBER" AND "HEAT-EXCHANGER" ARE ENTIRELY CONVENTIONAL ELEMENTS AND ARE SO DEPICTED IN THE DRAWING, AS AMENDED. AS STATED IN THE AMENDED CLAIMS, THE RELATIONSHIPS AMONG THE CLAIM ELEMENTS ARE CLEAR AS SHOWN IN THE DRAWINGS AND DESCRIBED IN THE SPECIFICATION.

ACCORDINGLY, IT IS RESPECTFULLY SUBMITTED THAT THE REJECTION UNDER 35 USC 112, FIRST PARAGRAPH, SHOULD BE RECONSIDERED AND WITHDRAWN.

THE REJECTION UNDER 35 USC 112, SECOND PARAGRAPH, OF CLAIMS 1-7, AS BEING ALLEGEDLY BEING INDEFINITE FOR ASSERTEDLY FAILING TO PARTICULARLY POINT OUT AND DISTINCTLY CLAIM THE SUBJECT MATTER WHICH APPLICANT REGARDS AS HIS INVENTION, IS RESPECTFULLY TRAVERSED THE TERM "TURBINE-FAN" IS STATED IN THE OFFICE ACTION AS BEING "NOT CLEARLY UNDERSTOOD." THAT TERM HAS BEEN DELETED FROM THE AMENDED CLAIMS. AS NOTED ABOVE, ALL TERMINOLOGY IS ENTIRELY CONVENTIONAL AND ALL RELATIONSHIPS AMONG CLAIM ELEMENTS ARE CLEARLY DEFINED IN THE SPECIFICATION AND DRAWING AS AMENDED.

ACCORDINGLY, THE REJECTION UNDER 35 USC 112, SECOND PARAGRAPH, SHOULD BE RECONSIDERED AND WITHDRAWN.

THE REJECTION OF CLAIMS 1-7 UNDER 35 USC 103(a) AS BEING ALLEGEDLY UNPATENTABLE OVER U.S PATENT NO. 4,813,227 (RICE), IN VIEW OF US PATENT NO. 4,290,268 (LOWTHER) AND U.S. PATENT NO. 6,202, 404 (BALEPIN), IS RESPECTFULLY TRAVERSED.

AS IS WELL-SETTLED, COMBINING REFERENCES TO ASSERT OBVIOUSNESS REQUIRES SOME INDICATION IN THE ART SUGGESTING, TEACHING, OR MOTIVATING SUCH COMBINATION. SEE IN RE DEMBICZAK, 175 F.3D 994, 50 U.S.P.Q. 2D 1614(FED. CIR. 1999), IN WHICH THE COURT HELD: A SHOWING OF A SUGGESTION, TEACHING OR MOTIVATION TO COMBINE PRIOR TEACHINGS "MUST BE CLEAR AND PARTICULAR . . . BROAD CONCLUSORY STATEMENTS REGARDING THE TEACHING OF MULTIPLE REFERENCES, STANDING ALONE, ARE NOT

'EVIDENCE' [OF SUCH SUGGESTION, TEACHING, OR MOTIVATION TO COMBINE PRIOR TEACHINGS]."

IN THE INSTANT CASE, NO SUCH SUGGESTION OR INDICATION APPLIES AND IN ANY EVENT THE REFERENCES CITED, DO NOT, SINGLY OR IN COMBINATION, SHOW OR SUGGEST APPLICANT'S INVENTION.

THE ATTEMPTED COMBINATION OF RICE, LOWTHER, AND BALEPIN IS NOT ONLY UNFEASIBLE AND CONTRA INDICATED BUT DOES NOT IN ANY MANNER AFFECT PATENTABILITY OF APPLICANT'S INVENTION.

IN RICE, "PREHEAT GAS TURBINE COMBINED WITH STEAM TURBINE," THE DEVICE AND PROCESS OPERATE TO GENERATE POWER BY UTILIZING A "COMBINED REHEAT GAS TURBINE AND STEAM TURBINE CYCLE. THE PROCESS COMPRISES GENERATING A COMPRESSED HEATED GAS IN A GAS GENERATOR ARRANGEMENT, AND THEN REHEATING THE EXHAUST GAS FOR GENERATION OF POWER IN A SECOND TURBINE, FOLLOWED BY EXTRACTION BY HEAT EXCHANGE OF THE USEFUL ENERGY IN THE EXHAUST GAS FROM THE SECOND TURBINE TO INDIRECTLY POWER A STEAM TURBINE THROUGH GENERATION OF STEAM." RICE, COL. 2, LINES 35-45.

THE LOWTHER REFERENCE, "VEHICLE BRAKING AND KINETIC ENERGY RECOVERY SYSTEM," DESCRIBES AND CLAIMS AN "AUXILIARY KINETIC ENERGY RECOVERY SYSTEM ASSOCIATED WITH [A] VEHICLE BRAKING SYSTEM "THE AUXILIARY KINETIC ENERGY RECOVERY SYSTEM RECOVERS KINETIC ENERGY FROM THE BRAKING OF THE WHEEL BY COMPRESSING EXPANDED GAS FROM THE PIPE LINES UPSTREAM FROM THE AUXILIARY COMPRESSOR INLET TO LIQUIFIED GAS OR CONDENSATE GAS INTO THE ACCUMULATOR TANK." LOWTHER, COL. 1, LINES 67-68, CO. 2. LINES 1-5.

THE BALEPIN REFERENCE, "METHOD AND APPARATUS FOR REDUCING THE TEMPERATURE OF AIR ENTERING THE COMPRESSOR OF A TURBOJET ENGINE BY VARIABLY INJECTING FLUID INTO THE INCOMING AIR," IS DIRECTED TO "A METHOD OF PROPELLING AN AIR BORNE VEHICLE WITH A TURBOJET ENGINE. THE METHOD COMPRISES REDUCING THE TEMPERATURE OF AIR ENTERING A COMPRESSOR OF THE ENGINE BY INJECTING FLUID INTO THE AIR AT A VARIABLE RATE AND PERMITTING THE FLUID TO EVAPORATE INTO A GAS." BALEPIN, COL. 2, LINES 11-15.

IN THE LOWTHER REFERENCE, AN "ENGINE 14 ALSO INCLUDES A PRESSURIZED SURGE TANK 28 BETWEEN THE BRAKE COMPRESSOR AND THE COMBUSTION CHAMBER . . .

"IN OPERATION OF THE ENGINE, AIR IS FED UNDER AMBIENT CONDITIONS FROM THE ATMOSPHERE INTO BRAKE COMPRESSOR 18, COMPRESSED AIR IS THEN FED TO THE SURGE TANK 28 AND THEN TO THE COMBUSTION CHAMBER 20 ALONG WITH FUEL, (AS CONTROLLED BY THE ACCELERATOR, FOR EXAMPLE), WHERE THE MIXTURE IS BURNED, AND THE HOT COMBUSTION GASES ARE THEN FED TO THE ROTARY SLIDING VANE MOTOR 22 TO DRIVE THE SHAFT 26 AND WHEEL 12." LOWTHER, COL. 4, LINES 1-3; LINES 10-17.

UNDER THE GOVERNING LAW, THERE IS NO BASIS WHATEVER FOR SEEKING TO COMBINE A "PREHEAT GAS TURBINE COMBINED WITH STEAM TURBINE" (RICE), WITH A "VEHICLE BRAKING AND KINETIC ENERGY RECOVERY SYSTEM" (LOWTHER), AND "METHOD AND APPARATUS FOR REDUCING THE TEMPERATURE OF AIR ENTERING A COMPRESSOR OF A TURBOJET ENGINE BY VARIABLY INJECTING FLUID INTO THE INCOMING AIR" (BALEPIN), TO ATTEMPT TO RENDER OBVIOUS A DEVICE FOR STORING ENERGY AND GENERATING ELECTRICAL POWER AS IN THE INSTANT APPLICATION. THE REFERENCE DEVICES ARE WHOLLY DISTINCT AND CONTRAINDICATED TO COMBINE FOR ANY

PURPOSE EXCEPT FOR THE PROHIBITED "HINDSIGHT RECONSTRUCTION." SEE E.G. PARA ORDNANCE MANUFACTURING, INC. V. SGS IMPORTERS INTERNATIONAL, INC., 73 F.3D 1085, 37U.P.Q. 2D 1237 (FED. CIR 1995), CERT. DEN. 519 U.S. 822(1996).

AS CLEARLY RECITED IN THE AMENDED MAIN CLAIM, APPLICANT EMPLOYS:

"A COMPRESSED GAS STORAGE DEVICE FOR STORING COMPRESSED GAS AND FOR CONTROLLABLY RELEASING SAID GAS" TOGETHER WITH A GENERATOR SUCH THAT UPON RELEASE OF THE COMPRESSED GAS, POWER GENERATION RESULTS FROM THE GENERATOR, "WHICH IS CAPABLE OF GENERATING ELECTRICITY RESULTING FROM RECEIVING A FLOW OF GAS."

CLEARLY THIS IS A COMPLETELY DISTINCT AND DIFFERENT INVENTION FROM THE MISCELLANEOUS ATTEMPTED COMBINATION OF DISPARATE AND INCONGRUOUS ELEMENTS CONCERNING THE REFERENCES OF RECORD.

ACCORDINGLY, IT IS RESPECTFULLY SUBMITTED THAT THE REJECTION OF CLAIMS 1-5, AS AMENDED AND CLAIM 7, AS AMENDED, SHOULD BE RECONSIDERED AND WITHDRAWN AND THE AMENDED CLAIMS ALLOWED.

SIMILAR CONSIDERATIONS APPLY TO NEW CLAIMS NOS. 8-11, INCLUSIVE, WHICH COMPRISE METHOD CLAIMS RELATED TO THE APPARATUS CLAIMS RECITED IN CLAIMS 1-5,7, AS AMENDED.

REFERENCES MADE OF RECORD AND NOT RELIED UPON AND ASSERTED IN THE OFFICE ACTION TO BE ALLEGEDLY PERTINENT TO APPLICANT'S DISCLOSURE - - U.S. PAT. NO. 3,981,466 (ANIL D. SHAH) AND U.S. PAT. NO. 5,012,646 (STEPHEN D. SPEER), HAVE BEEN CAREFULLY REVIEWED

AND ARE DEEMED NOT TO AFFECT PATENTABILITY OF THE AMENDED
AND NEWLY-PRESENTED CLAIMS.

THEREFORE, IN VIEW OF THE FOREGOING, IT IS RESPECTFULLY
SUBMITTED THAT ALL REJECTIONS AND OBJECTIONS SHOULD BE
RECONSIDERED AND WITHDRAWN AND THAT ALL CLAIMS SHOULD BE
ALLOWED.

Date:

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RESPECTFULLY SUBMITTED,
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